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ROY F. BROWN
MAYOR

MAR 19 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 17, 1993

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Room 222
1919 M Street N.W.
Washington, DC 20554

FCC 1001-1001



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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ROY F. BROWN
MAYOR

March 17, 1993

Hon. James H. Quello
Acting Chairman
Federal Communications
Commission
1919 M Street N.W.
Washington, DC 20554

Hon. Andrew C. Barrett
Commissioner
Federal Communications
Commission
1919 M Street N.W.
Washington, DC 20554

Hon. Ervin S. Duggan
Commissioner
Federal Communications
Commission
1919 M Street N.W.
Washington, DC 20554

RE: Ex Parte Presentation in MM Docket No. 92-266
CABLE RATE REGULATION

Dear Chairman Quello, Commissioner Barrett and Commissioner Duggan:

On behalf of the City Council of the City of Irving, Texas, I wish to express concern in regard to the rate regulations to be issued by the Commission on April 1, 1993. The City of Irving requests that the Federal Communications Commission reaffirm the mandate of Congress when it passed the Cable Television Consumer Protection and Competition Act of 1992, by issuing regulations which define "effective competition" in a meaningful way for consumers. We urge the Commission to issue regulations providing that "effective competition" exists only where there is true head-to-head competition between multichannel video programming distributors in a franchise area.

Two multichannel video programming distributors operate within the City of Irving. One is a privately-owned cable television service provider authorized by permit in 1976; the second is a commercial cable television service provider authorized by franchise ordinance in 1981. Although these two cable television service providers operate within the City of Irving, their service areas do not overlap and the companies do not compete. This City is concerned that the scope of the "effective competition" definition would indicate that Irving has two competing cable systems, thus negating our right to obtain certification to regulate basic cable rates.

We are concerned that this situation may exist in other communities. Therefore, we urge the Commission to adopt regulations consistent with the spirit of the Cable Television Consumer Protection and Competition Act of 1992 and further define "effective competition" as existing only when



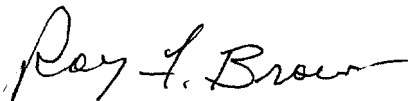
Chairman Quello, Commissioner Barrett and Commissioner Duggan
March 17, 1993
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individual consumers have access to service from more than one
multichannel video programming distributor.

In accordance with the Commission's rules regarding written ex parte
presentations, two copies of this letter are being filed with the
Commission's Secretary, as required under 47 C.F.R. Section 1.1206.
I have enclosed a copy of this notification letter for your files.

Respectfully submitted,

CITY OF IRVING



Roy F. Brown
MAYOR

encl. Ex Parte Notification Letter

cc: Donna R. Searcy, Secretary
Federal Communications Commission
(two copies)